

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**SUMMONS FOR JUDGMENT NO. 535 OF 2004
IN
SUMMARY SUIT NO. 474 OF 2002**

M/s.Flexojoint Belt Industries. ... Plaintiff.

V/s.

M/s.Paramount Plastic Industries ... Defendant.

O.A.Das for the plaintiff.

Ruchiv Tolat i/b. L.C.Tolat
for the defendant.

CORAM : D.G. KARNIK, J.

DATED : 22nd February, 2005.

P.C. :

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Heard learned counsel for the parties.

2. Learned counsel for the defendant admits that the summons for judgment has been served on the defendant on 19th July 2004. Despite passage of more than six months the defendant has not applied for leave to defend the suit nor has filed any affidavit in reply. In the circumstances, the averments made in the plaint are deemed to be admitted.

3. The plaintiff through his counsel undertakes to file original documents. Undertaking is accepted and recorded. Decree not to be drawn until documents are filed.

4. As the defendant has not filed any affidavit in reply the plaintiff is entitled to a decree under order 37 rule 3(6)(a) of Code of Civil Procedure, 1908. Hence summons for judgment is made absolute and the suit of the plaintiff is decreed as follows:

(i) The defendant shall pay to the plaintiff a sum of Rs.2,00,699/- together with interest thereon at the rate of 9% per annum from the date of the suit till payment and all costs of the suit.

(ii) Issue court fee refund as per the rules.
